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April 5, 2011

FILED/ACCEPTED

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Via Hand Delivery

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

APR -5 2011

Federal Communications Commission
Office of the Secretary

**Re: E. Ritter Communications Holdings, Inc., Ritter Cable Corporation, and
Tri-County Telephone d/b/a Ritter Communications (collectively, "Ritter");
Request for Waiver of 47 C.F.R. § 15.712(b)**

Dear Ms. Dortch:

On behalf of Ritter, we enclose an original and four copies of the Request for Waiver of 47 C.F.R. § 15.712(b).

Please contact the undersigned with any questions.

Sincerely,



Alma Hoxha
Paralegal

Enclosures

No. of Copies rec'd 0+1
List ABCDE

Before the
Federal Communications Commission
Washington, D.C. 20554

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Federal Communications Commission
Office of the Secretary

In the Matter of)
)
E. Ritter Communications Holdings, Inc., Ritter)
Cable Corporation, and Tri-County Telephone)
d/b/a Ritter Communications)
)
)
Request for Waiver of 47 C.F.R. § 15.712(b))
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REQUEST FOR WAIVER

E. Ritter Communications Holdings, Inc., on behalf of its wholly-owned subsidiaries Ritter Cable Corporation and Tri-County Telephone d/b/a Ritter Communications (collectively, "Ritter"), respectfully request a waiver of the Commission's distance requirement under 47 C.F.R. § 15.712(b) for the protection of cable headends from interference from unlicensed Television Band Devices ("TVBDs") for Ritter's Lurton, Boat Mountain, and Hickory Ridge, Arkansas, headend receive sites.

I. Company Background.

Ritter's parent company, E. Ritter Communications Holdings, Inc., has been in the communications business in Northeast Arkansas for 105 years. Ritter has provided multichannel video services in northeast and north central Arkansas for the last six years, serving communities located in the Memphis, Tennessee, Jonesboro, Arkansas, and Springfield, Missouri, Designated Market Areas ("DMAs"). Ritter serves communities in these DMAs over systems it acquired and consolidated into two systems, located in Western Grove and Marked Tree, Arkansas. Combined, these two systems serve approximately 16,500 basic video subscribers. Ritter has upgraded the systems to provide high-speed Internet and

telephony services over a hybrid fiber-coaxial cable system using a fiber-deep topology with a node plus zero design.

II. Discussion.

On September 23, 2010, the Commission adopted final rules for the introduction of unlicensed TVBDs for operation in the unused spectrum in the TV bands (or "white spaces").¹ Section 15.712(b) provides, in part, that multichannel video programming distributor ("MVPD") receive sites (e.g., cable headends) "located outside the protected contour of the TV station(s) being received may be registered in the TV bands database if they are no farther than 80 km outside the nearest edge of the relevant contour(s)." 47 C.F.R. § 15.712(b). The White Spaces Order adopting the final rules recognized: (i) "there are cable headends that receive TV station signals located at distances beyond 80 km from the edge of the television station's protected service contour"; and (ii) concerns regarding "possible disruption of service to cable subscribers" in those areas from unlicensed TVBDs.²

Consequently, the White Spaces Order allows current MVPDs with receive sites located beyond the 80 km protected zone to apply for a waiver of that distance within 90 days after the effective date of the rules.³ According to the White Spaces Order, such waiver requests also involve shifting the 20 km adjacent channel protection distance so that it is measured from the actual headend receive site rather than from the station's contour.

Ritter provides cable service to approximately 16,500 subscribers in rural communities located in the Memphis, Tennessee, Jonesboro, Arkansas, and Springfield, Missouri, DMAs. In particular, it imports broadcast stations to communities served by its Western Grove system via

¹ *In the Matter of Unlicensed Operation in the TV Broadcast Bands, Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, Second Memorandum Opinion and Order, 25 FCC Rcd. 18661 (2010) ("White Spaces Order").

² *Id.*, ¶ 42.

³ *Id.* The rules went into effect January 5, 2011, so the deadline to file waiver petitions is April 5, 2011.

its receive sites located in Boat Mountain, Arkansas and Lurton, Arkansas; and communities served by its Marked Tree system receive imported broadcast stations from its Hickory Ridge, Arkansas receive site. A more detailed discussion regarding each system follows.

A. Western Grove System.

Ritter imports Springfield, Missouri broadcast stations KSFX, KOLR, KYTV, KSPR, Little Rock, Arkansas broadcast stations KATV, KTHV, and Fayetteville, Arkansas broadcast stations, KHOG, KFTA, to its Western Grove system serving communities located in the southern portion of the Springfield, Missouri DMA. To receive these signals and distribute them over its Western Grove system, Ritter installed several antennae at two separate receive sites located in Lurton and Boat Mountain, Arkansas. Both sites are located at the top of mountains to make reception of the signals possible. Antennae at the Lurton site are all located at heights between 80 and 100 feet, and each antenna is designed for a distant reception of 100 to 125 miles. Those at the Boat Mountain site are all located at heights between 40 and 80 feet above the ground, and each antenna is designed for a distant reception of 90 to 125 miles.

Ritter's antennae at the Lurton and Boat Mountain sites each receive the signals from the broadcast transmitters. A fiber connection transports the broadcast signals to the Western Grove system, which in turn re-transmits the broadcast signals to Ritter's subscribers. The table below summarizes the distance from the stations' 80 km service contours and the Western Grove system's receive sites, all of which exceed the stations' protected service contour:

Station (City of License/Network)	Headend Receive Site	Distance of Headend Receive Site <u>beyond</u> the stations' 80 kilometer service contour (in kilometers)
KTHV (Channel 11)	Lurton	39.944
KATV (Channel 7)	Lurton	40.604
KHOG (Channel 29)	Lurton	14.6455
KFTA ((Channel 24)	Lurton	15.8847
KOLR (Channel 10)	Boat Mountain	43.613
KYTV (Channel 3)	Boat Mountain	38.463
KSPR (Channel 33)	Boat Mountain	38.463
KSFX (Channel 27)	Boat Mountain	43.613

Ritter used the Commission's full-service digital television stations maps⁴ and TV service contour data⁵ as the basis for these distance calculations.

Ritter imports the Springfield stations, KSFY, KOLR, KYTV, KSPR, for several reasons. The terrain surrounding Ritter's service area is mountainous, and given the distances between the communities, most subscribers in Ritter's service area would be unable to receive the Springfield broadcast stations with roof-top antennae. Ritter also imports the Arkansas broadcast stations to provide its subscribers with relevant and valuable programming. The Springfield, Missouri, stations provide little, if any, coverage of northwest and north central Arkansas local news. KATV and KTHV are the two top-rated local news stations in Little Rock, Arkansas, the state capitol, and provide coverage of state government operations, statewide news coverage, and leading coverage of University of Arkansas sporting events.

Further, the Fayetteville, Arkansas stations, KHOG and KFTA, provide coverage of northwest Arkansas news, weather, and sports. A portion of the Western Grove system's subscribers are closer to Fayetteville than Little Rock, Arkansas or Springfield, Missouri, and Fayetteville is where they primarily shop, run errands, and receive essential services such as medical care. If Ritter lost the ability to carry any of these stations, its subscribers would experience a markedly diminished quality of news, weather, and sporting events.

B. Marked Tree System.

Ritter imports Little Rock, Arkansas stations, KATV (Channel 7) and KTHV (Channel 11), to its Marked Tree system serving communities located primarily in the Memphis, Tennessee and Jonesboro, Arkansas, DMAs. To receive these signals and distribute them over its Marked Tree system, Ritter installed several antennae in Hickory Ridge, Arkansas, on top of a water

⁴ See <http://www.fcc.gov/dtv/markets/>.

⁵ See http://www.fcc.gov/ftp/Bureaus/MB/Databases/tv_service_contour_data/readme.html.

tower in the far southwest portion of its Marked Tree system. Those antennae are all located at heights between 85 and 90 feet above the ground.

Ritter's antennae at the Hickory Ridge site receives the signals from the broadcast transmitters, and a fiber connection transports the broadcast signals to the Marked Tree system, which in turn re-transmits the broadcast signals to Ritter's subscribers. The Hickory Ridge receive site is located approximately 72.26 km and 71.455 km beyond the 80 kilometer protected service contour for stations KATV and KTHV, respectively. Once again, Ritter used the Commission's full-service digital television stations maps and TV service contour data as the basis for these distance calculations.

Ritter imports the Little Rock, Arkansas, broadcast stations for two primary reasons. First, subscribers served by the Marked Tree system are unable to receive KATV and KTHV through roof-top antennae – including the portion of the system located in the Little Rock DMA. Second, as explained in the section above, KATV and KTHV provide top-rated local news from Little Rock, Arkansas, the state capitol, and provide coverage of state government operations, statewide news coverage, and leading coverage of University of Arkansas sporting events. The Jonesboro, Arkansas stations lack in-depth coverage of Arkansas state government, and the Memphis stations lack regular coverage of Arkansas news, and provide no coverage of Arkansas college sporting events. If Ritter lost the ability to carry these stations, the provision of Arkansas news, weather, and sporting events to its subscribers would be markedly diminished.

III. Conclusion.

Absent a waiver, Ritter's reception of broadcast stations KSFX, KOLR, KYTV, KSPR, KATV, KTHV, KHOG, and KFTA, could be seriously disrupted by unlicensed TVBDs operating within the beamwidth of the distant signals, resulting in the loss of these stations' programming to the communities served by Ritter's Western Grove and Marked Tree systems. Consequently, Ritter respectfully requests that the Commission: (i) grant Ritter's waiver request of

47 C.F. R. § 15.712(b); (ii) permit Ritter to register its headend receive sites located in Lurton, Boat Mountain, and Hickory Ridge, Arkansas, in the TV bands database to protect it from harmful interference from TVBDs; and (iii) provide that the 20 km adjacent channel protection zone be measured from each headend receive site. This waiver will ensure that valuable broadcast television programming continues to be available to Ritter's customers without disruption.

Ritter's waiver request of the Commission's distance rules satisfies the White Spaces Order's grounds for waiver requests and will serve the public interest, and meets the Commission's general waiver standard under 47 C.F.R. § 1.3.⁶ For these reasons, and those stated above, Ritter requests that the Commission grant its waiver request.

Respectfully submitted,



John Strode
Vice President
E. Ritter Communications Holdings, Inc.
2815 Longview Dr.
Jonesboro, AR 72403

April 5, 2011

⁶ 47 C.F.R. § 1.3 ("Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefore is shown.").